

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Todd Eric Edelman

2. **Position**: State the position for which you have been nominated.

United States District Judge for the District of Columbia

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Superior Court of the District of Columbia
500 Indiana Avenue, Northwest
Chambers 3160
Washington, DC 20001

4. **Birthplace**: State year and place of birth.

1968; St. Louis, Missouri

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1991 – 1994; New York University School of Law; J.D., 1994

1986 – 1990; Yale University; B.A., 1990

1988, University of Rochester (study abroad program); no degree received

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2010 – present
Superior Court of the District of Columbia

500 Indiana Avenue, Northwest
Chambers 3160
Washington, DC 20001
Associate Judge (2010 – present)
Deputy Presiding Judge, Civil Division (2020 – present)

2003 – 2010, 2014 – present
Georgetown University Law Center
600 New Jersey Avenue, Northwest
Washington, DC 20001
Adjunct Professor of Law (2004 – 2008, 2014 – present)
Visiting Associate Professor of Law (2003 – 2004; 2008 – 2010)

2005 – 2008
Bredhoff & Kaiser, P.L.L.C.
805 15th Street, Northwest, Suite 1000
Washington, DC 20005
Of Counsel

1997 – 2005
Public Defender Service for the District of Columbia
633 Indiana Avenue, Northwest
Washington, DC 20004
Training Director (2004 – 2005)
Chief, Serious Felony Section (2002 – 2004)
Supervising Attorney, Trial Division (2001 – 2002)
Staff Attorney, Trial Division (1997 – 2001)

1995 – 1997
Georgetown University Law Center
111 F Street, Northwest
Washington, DC 20001
E. Barrett Prettyman Fellow

1994 – 1995
The Honorable William B. Bryant
United States District Court for the District of Columbia
333 Constitution Avenue, Northwest
Washington, DC 20001
Law Clerk

1993 – 1994
BarBri Bar Review
1500 Broadway, Suite 808
New York, New York 10036
Sales Representative

Summer 1993
O'Donoghue & O'Donoghue LLP
4748 Wisconsin Avenue, Northwest
Washington, DC 20016
Law Clerk

January 1993 – May 1993
Cohen, Weiss & Simon LLP
330 West 42nd Street
New York, New York 10036
Law Clerk

Summer 1992
United Mine Workers of America
900 15th Street, Northwest
Washington, DC 20005
Law Clerk

January 1992 – May 1992
South Brooklyn Legal Services
105 Court Street
Brooklyn, New York 11201
Legal Intern

1990 – 1991
Environmental Law Institute
1616 P Street, Northwest
Washington, DC 20036
Research Analyst

Other affiliations (uncompensated):

2007 – 2010
Washington Council of Lawyers
601 Massachusetts Avenue, Northwest, Suite 5126
Washington, DC 20001
Board of Directors

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I did not serve in the military. I timely registered for the selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Charles Fahy Distinguished Adjunct Professor Award, Georgetown University Law Center (2022)

Ladue (Horton Watkins) High School Distinguished Alumni Award (2012)

Wasserstein Public Interest Fellowship, Harvard Law School (2003)

E. Barrett Prettyman Fellowship, Georgetown University Law Center (1995 – 1997)

New York University School of Law

Cum Laude Graduation Honors (1994)

Sol D. Kapelson Prize for Highest Excellence in Legal Writing (1994)

Root-Tilden Scholarship (1991 – 1994)

American Jurisprudence Award for Evidence (1993)

Yale University

Cum Laude Graduation Honors (1990)

Award of Distinction in Political Science (1990)

Yale Community Service Award (1988)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association

Member (2005 – 2008)

District of Columbia Advisory Commission on Sentencing

Voting Member (2003 – 2004)

District of Columbia Bar Section on Criminal Law and Individual Rights

Steering Committee Member (2006 – 2010)

District of Columbia Judicial Conference

Delegate (2002, 2003, 2004 & 2006)

National Center for State Courts Eviction Diversion Cohort

Member (2021)

New York University School of Law, Root-Tilden-Kern Scholarship Program

Chair, Interview Panel (2016)

Organization of Scientific Area Committees for Forensic Science (OSAC)
Member, Legal Resource Task Group, Forensic Science Standards Board (2020 – present)

Saving the District’s Rental Housing Market Strike Force
Member (2021)

Superior Court of the District of Columbia
Advisory Committee on Civil Rules, Member (2017), Co-chair (2021 – present)
Advisory Committee on Landlord & Tenant Rules, Co-chair (2021 – present)
Advisory Committee on Small Claims Rules, Co-chair (2021 – present)
Civil Division Landlord & Tenant Working Group, Co-chair (2021 – present)
Civil Division Mortgage Foreclosure Working Group, Co-chair (2021 – present)
Civil Division Small Claims Working Group, Co-chair (2021 – present)
Civil Division Working Group on Virtual Trials, Co-chair (2021)
Committee on Pro Bono and Affordable Counsel (2021)
Criminal Justice Act Implementation Committee (2011 – 2021)
Criminal Rules Advisory Committee (2016)
Joint Standing Committee on Fairness and Access to the District of Columbia Courts (2011 – present)
Judicial Education Committee (2013 – 2016; 2018 – 2021)
Jury Instructions Committee (2014 – 2016)
Jury Management Committee (2021 – present)
Liaison Committee to Judicial Disabilities and Tenure Commission (2018)

Washington Council of Lawyers
Board of Directors (2007 – 2010)

White House Eviction Prevention DC Work Group
Co-leader (2021 – present)

William B. Bryant American Inn of Court
Government Master (2012 – 2019)

William Bryant Scholarship Fund
Ad Hoc Scholarship Committee (2006 – 2010)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Illinois, 1994
District of Columbia, 1995

There have been no lapses in membership, although I retired from the Illinois Bar

following my appointment as a judge in 2010.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Court of Appeals for the Eleventh Circuit, 2006
United States District Court for the District of Columbia, 2008

There were no lapses in membership, although I did not renew my membership in the bar of either court once I became a judge.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Sandy Spring Friends School, Parents Association Athletic Committee (2021 – present)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, no organization to which I have belonged currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

12. **Published Writings and Public Statements:**

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

From 2014 to 2016, I served on the Superior Court's Jury Instructions Committee, and participated in discussions regarding the content, language, and structure of the model jury instructions used in Superior Court civil cases. The current version of the Standardized Civil Jury Instructions for the District of Columbia (2022 Revised Edition) is available at

<https://advance.lexis.com/practice?config=00JAA5ZGJhMTIkMC1hMmM0LTQwN2MtYjBkNS0xOWQwOWIwZDk1MTQKAFBvZENhdGFsb2dQ0OyU61MxvGEFjxYKyeOL&crd=6f845184-ba70-4ed1-98c5-4ca23c6a5937&prid=1bbfaf9e-5ef4-44ac-8f1c-8c713e06f39c&ecomp=6xkv9hk&earg=1303160127&pdtoctocfullpath=%2fshared%2ftableofcontents%2furn%3acontentItem%3a5535-DV81-F0HM-13P2-00000-00&pdhcts=1662552400183&pdhidebc=False>

Class Notes, Root-Tilden-Kern Scholarship Program Newsletter (New York University School of Law), Fall 2008. Copy supplied.

Co-author, *Stories Told and Untold: Lawyering Theory Analyses of the First Rodney King Assault Trial*, 12 Clin. L. Rev. 1 (2005). Copy supplied.

Contributor, CRIME SCENE INVESTIGATION (Elwin Street Limited, 2004). Copy supplied.

From 1990 to 1991, I was a researcher at the Environmental Law Institute. I am credited with contributing research in the following three reports:

Robert L. Fischman, *Biodiversity and Environmental Protection: Authorities to Reduce Risk*, 22 Env'tl. L. 435 (1992). Available at http://www.repository.law.indiana.edu/cgi/viewcontent.cgi?date=1340215108&article=1599&context=facpub&preview_mode.

Wetlands Protection Workbook, Environmental Law Institute, Mar. 13, 1991. Available at <http://nepis.epa.gov/Exe/ZyPDF.cgi/10001QWJ.PDF?Dockey=10001QWJ.PDF>.

United States Environmental Protection Agency, *An Analysis of State Superfund Programs: 50 State Study, 1990 Update*, Sept. 1990. Available at <http://nepis.epa.gov/Exe/ZyPDF.cgi/91020G5O.PDF?Dockey=91020G5O.PDF>.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

Saving the District's Rental Housing Market Strike Force, Saving DC's Rental Housing Market: A Report of Recommendations from Mayor Bowser's Strike Force to Save DC's Rental Housing Market, May 2021. Copy supplied.

Standing Committee on Fairness and Access to the District of Columbia Courts, Report to the 27th Annual Meeting of the National Consortium on Racial and Ethnic Fairness in the Courts, June 2015. Copy supplied.

As a member of the Superior Court Criminal Justice Act Panel Implementation Committee from 2011 to 2021, I approved periodic reports to Chief Judges Lee F. Satterfield and Robert E. Morin. Copies supplied.

In several instances during my service on the Steering Committee of the District of Columbia Bar's Section on Criminal Law and Individual Rights ("CLIR"), the CLIR issued public statements regarding various topics. Generally, drafts of such statements were circulated in advance for review. Although I do not recall being involved in drafting, discussing, or voting on all of the following statements, they are publicly available and were issued during my tenure on the CLIR Steering Committee.

April 28, 2010: Co-sponsored Statement Opposing the Mayor's Recommendation to Cut \$1 Million in Civil Legal Services and Loan Forgiveness Funding. Copy supplied.

December 28, 2007: Statement Concerning the Department of Justice's Policies with Respect to Corporate Attorney-Client Privilege and the Right to Counsel as Reflected in the McNulty Memorandum. Copy supplied.

November 13, 2006: Statement Concerning Proposed Reduction of Number of Peremptory Strikes in Superior Court Felony Trials. Copy supplied.

November 9, 2006: Statement Opposing the U.S. Department of Justice's Waiver Policy for the Attorney-Client Privilege and Work Product Doctrine. Copy supplied.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

April 20, 2010: United States Senate, Committee on Homeland Security and Governmental Affairs, Confirmation Hearing on Nomination to be an Associate Judge of the Superior Court of the District of Columbia. Video available at <http://www.hsgac.senate.gov/hearings/nominations-of-hon-dennis-walsh-to-be-chairman-special-panel-of-appeals-hon-dana-bilyeu-and-michael-kennedy-to-be>

members-federal-retirement-thrift-investment-board-milton-lee-judith-smith-and-todd-edelman-to-be-associate-judges-superior-court-of-the-district-of-columbia.

In several instances during my service on the Board of Directors of the Washington Council of Lawyers (“WCL”), the WCL issued letters to public bodies or public officials regarding various topics. Although I do not recall being involved in the drafting, discussion, or approval of the following letters, they were issued during my tenure on the WCL Board of Directors and I am listed as a Board member on the letterhead.

March 17, 2010: Letter to Vincent C. Gray, Chairman of the Council of the District of Columbia, regarding funding for the Access to Justice program. Copy supplied.

January 19, 2010: Letter to Garland Pinkston, Jr., Clerk of the District of Columbia Court of Appeals, regarding proposed amendments to the Rules Governing Interest on Lawyers’ Trust Accounts (IOLTA). Copy supplied.

From 2003 to 2004, I represented the Public Defender Service for the District of Columbia on the District of Columbia Advisory Commission on Sentencing. Commission meeting minutes and a copy of the Practice Manual issued by the Advisory Commission in 2004 are supplied.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

The following list reflects my best effort to identify the public speaking events in which I have participated. To compile the list, I consulted my own files and Internet sources. However, there may be public speaking events that I have been unable to recall or identify.

September 12, 2022: Speaker, Juror Appreciation Week, Superior Court of the District of Columbia. Outline supplied.

April 28, 2022: Guest Lecturer, Criminal Law, Georgetown University Law Center, Washington, DC. I conducted a question-and-answer session for law students regarding the litigation of criminal cases. I have no notes, transcript, or recording. The address of the Georgetown University Law Center is 600 New

Jersey Avenue, Northwest, Washington, DC 20001.

March 23, 2022: Guest Lecturer, “The Judicial Perspective,” Georgetown University Law Center Criminal Justice Clinic, Washington, DC. I conducted a question-and-answer session for law students regarding my career and the litigation of criminal cases. I have no notes, transcript, or recording. The address of the Georgetown University Law Center is 600 New Jersey Avenue, Northwest, Washington, DC 20001.

March 14, 2022: Presenter, Superior Court of the District of Columbia Town Hall on Landlord and Tenant Branch Operations, Superior Court of the District of Columbia, Washington, DC. PowerPoint supplied.

January 21, 2022: Trainer, District of Columbia Office of the Attorney General Ruff Fellowship Program, District of Columbia Office of the Attorney General, Washington, DC. I participated in a training on closing arguments in civil cases. I have no notes, transcript, or recording. The address of the District of Columbia Office of Attorney General is 400 6th Street, Northwest, Washington, DC 20001.

November 30, 2021: Speaker, Administration of Oath of Office, Denver Public Schools Board of Education, Denver, Colorado. I administered the oath of office to an elected member of the School Board. Video available at https://vimeo.com/651241524?embedded=true&source=vimeo_logo&owner=43688279.

November 19, 2021: Guest Presenter, Advanced Evidence, University of Maryland Francis King Carey School of Law, Baltimore, Maryland. I critiqued student presentations regarding the admissibility of expert testimony and made brief remarks on that topic. I have no notes, transcript, or recording. The address of the University of Maryland Francis King Carey School of Law is 500 West Baltimore Street, Baltimore, Maryland 21201.

October 27, 2021: Panelist, “The Coming Eviction Crisis,” Washington Council of Lawyers, Washington, DC. I spoke on a panel about the participation of lawyers in cases in the Superior Court’s Landlord and Tenant Branch. I have no notes, transcript, or recording. The address of the Washington Council of Lawyers is 901 4th Street, Northwest, Suite 3101, Washington, DC 20001.

May 6, 2021: Panelist/Trainer, Police for Tomorrow Workshop, District of Columbia Metropolitan Police Department and Georgetown University Law Center, Washington, DC. Outline supplied.

April 6, 2021: Guest Lecturer, “The Judicial Perspective,” Georgetown University Law Center Criminal Justice Clinic. Washington, DC. I conducted a question-and-answer session for law students regarding my career and the litigation of criminal cases. I have no notes, transcript, or recording. The address of the

Georgetown University Law Center is 600 New Jersey Avenue, Northwest, Washington, DC 20001.

February 28, 2021: Judge, Georgetown University Law Center Barristers' Council 2021 Greenhalgh Tournament, Washington, DC. I served as the judge in the semi-final round of a mock trial competition. I have no notes, transcript, or recording. The address of the Georgetown University Law Center is 600 New Jersey Avenue, Northwest, Washington, DC 20001.

January 25, 2021: Trainer, District of Columbia Office of the Attorney General Ruff Fellowship Program, District of Columbia Office of the Attorney General, Washington, DC. Outline supplied.

January 12, 2021: Panelist, "Perspectives on Sentencing and Sentencing Reform," American University Washington College of Law, Washington, DC. Notes supplied.

April 16, 2020: Guest lecturer, Criminal Procedure, Washington and Lee University School of Law, Lexington, Virginia. I made a brief presentation about the litigation of criminal cases and conducted a question-and-answer session on that topic. I have no notes, transcript, or recording. The address of the Washington and Lee University School of Law is 1 Denny Circle, Lexington, Virginia 24450.

October 26, 2019: Judge, National Board of Trial Advocacy Tournament of Champions, American University Washington College of Law, Washington, DC. I served as the judge in the final round of a mock trial competition. I have no notes, transcript, or recording. The address of the American University Washington College of Law is 4300 Nebraska Avenue, Northwest, Washington, DC 20016.

March 2, 2019: Judge, Howard University School of Law Bryant-Moore Invitational Moot Court Competition, Washington, DC. I served as a judge in the final round of a law school moot court competition. I have no notes, transcript or recording. The address of the Howard University School of Law is 2900 Van Ness Street, Northwest, Washington, DC 20008.

November 7, 2018: Speaker, D.C. Volunteer Lawyers Project reception, Washington, DC. Notes supplied.

August 13, 2018: Guest Speaker, Introductory Presentation, George Washington University Law School's Public Interest & Pro Bono Pre-Orientation Program, Washington, DC. I spoke about public interest and pro bono opportunities for law students. I have no notes, transcript, or recording. The address of the George Washington University Law School is 2000 H Street, Northwest, Washington, DC 20052.

April 3, 2018: Guest Lecturer, "The Judicial Perspective," Georgetown University Law Center Criminal Justice Clinic. Washington, DC. I conducted a question-and-answer session for law students regarding my career and the litigation of criminal cases. I have no notes, transcript, or recording. The address of the Georgetown University Law Center is 600 New Jersey Avenue, Northwest, Washington, DC 20001.

March 13, 2018: Presenter, "Moving Documents into Evidence," Washington Council of Lawyers, Washington, DC. PowerPoint supplied.

February 6, 2018: Guest Lecturer, "Fundamentals of Cross Examination," District of Columbia Law Students in Court Program, Washington, DC. I used the same notes that were provided for the October 27, 2015, class.

November 15, 2017: Speaker, D.C. Volunteer Lawyers' Project 10th Anniversary Kick-Off, Washington, DC. Notes supplied.

November 10, 2017: Panelist, "Witness Examination Skills at Depositions and Trials," American Bar Association Labor and Employment Law Section 11th Annual Labor and Employment Law Conference. Outline supplied.

September 26, 2017: Guest Lecturer, "Fundamentals of Cross Examination," District of Columbia Law Students in Court Program, Washington, DC. I used the same notes that were provided for the October 27, 2015, class.

March 7, 2017: Guest Lecturer, "The Judicial Perspective," Georgetown University Law Center Criminal Justice Clinic. Washington, DC. I conducted a question-and-answer session for law students regarding my career and the litigation of criminal cases. I have no notes, transcript, or recording. The address of the Georgetown University Law Center is 600 New Jersey Avenue, Northwest, Washington, DC 20001.

September 27, 2016: Guest Lecturer, "Fundamentals of Cross Examination," District of Columbia Law Students in Court Program, Washington, DC. I used the same notes that were provided for the October 27, 2015, class.

August 16, 2016: Guest Speaker, Introductory Presentation, George Washington University Law School's Public Interest & Pro Bono Pre-Orientation Program, Washington, DC. Notes supplied.

July 15, 2016: Guest Lecturer, "American Criminal Procedure," Georgetown University Law Center International Studies LL.M. Program, Washington, DC. Notes supplied.

February 25, 2016: Mock Trial Judge, *People v. Goldilocks*, Sidwell Friends School Kindergarten Field Trip, Superior Court of the District of Columbia, Washington, DC. I presided over a mock trial based on the fairy tale. I have no notes, transcript, or recording, but press coverage is supplied. The address of the Superior Court of the District of Columbia is 500 Indiana Avenue, Northwest, Washington, DC 20001.

February 12, 2016: Panelist, "Litigation Skills: Pretrial Conferences," Washington Council of Lawyers, Washington, DC. The panel focused on effective advocacy at pretrial conferences in civil cases. I have no notes, transcript or recording. The address of the Washington Council of Lawyers is 901 4th Street, Northwest, Suite 3101, Washington, DC 20001.

February 11, 2016: Guest Lecturer, "The Judicial Perspective," Georgetown University Law Center Criminal Justice Clinic, Washington, DC. Notes supplied.

January 14, 2016: Panelist, "Handling Drug Cases in the District of Columbia Superior Court," District of Columbia Bar Continuing Legal Education Program (co-sponsored by the District of Columbia Bar Criminal Law and Individual Rights Section & Litigation Section), Washington, DC. Audio recording supplied.

December 2, 2015: Presenter, "Criminal Issues in Domestic Violence," District of Columbia Superior Court Domestic Violence Unit In-Service Training, Washington, DC. PowerPoint supplied.

November 10, 2015: Guest Lecturer, Public Interest Lawyering, George Washington University School of Law, Washington, DC. The presentation covered my career path. I have no notes, transcript, or recording. The address of the George Washington University School of Law is 2000 H Street, Northwest, Washington, DC 20052.

October 27, 2015: Guest Lecturer, "Fundamentals of Cross Examination," District of Columbia Law Students in Court Program, Washington, DC. Notes supplied.

August 19, 2015: Panelist, Orientation Panel on the Judiciary, University of the District of Columbia David A. Clarke School of Law, Washington, DC. The panel covered the career paths of the presenting judges and advice for first-year law students. I have no notes, transcript, or recording. The address of the University of the District of Columbia David A. Clarke School of Law is 4340 Connecticut Avenue Northwest, Washington, DC 20008.

August 10, 2015: Guest Speaker, Introductory Presentation, George Washington University Law School's Public Interest & Pro Bono Pre-Orientation Program, Washington, DC. Notes supplied.

July 29, 2015: Presenter, "Misdemeanor Jury Trials for Noncitizens after *Bado*," District of Columbia Superior Court Criminal Division Training, Washington, DC. PowerPoint supplied.

May 18, 2015: Presenter, School Field Trip, The Lab School of Washington, Washington, DC. I conducted a question-and-answer session with a group of eighth grade students visiting the Superior Court. I have no notes, transcript, or recording. The address of The Lab School of Washington is 4759 Reservoir Road, Northwest, Washington, DC 20007.

November 20, 2014: Guest Lecturer, "Judicial Ethics," Georgetown University Law Center Criminal Defense and Prisoner Advocacy Clinic, Washington, DC. Notes supplied.

October 23, 2014: Guest Lecturer, "Fundamentals of Cross Examination," District of Columbia Law Students in Court Program, Washington, DC. I used the same notes that were provided for the October 27, 2015, class.

October 22, 2014: Guest Speaker, "Grand Rounds," Office of the United States Attorney for the District of Columbia Sex Offense and Domestic Violence Unit, Washington, DC. The presentation was a question-and-answer session with Assistant United States Attorneys responsible for prosecuting sex abuse and domestic violence cases. I have no notes, transcript, or recording. The address of the Office of the United States Attorney for the District of Columbia is 601 D Street, Northwest, Washington, DC 20530.

September 20, 2014: Panelist, "Beyond Competency: Mens Rea and Mental Health in a Post-*Otis Jackson* World," Deborah T. Creek Criminal Practice Institute, Washington, DC. Notes supplied.

June 19, 2014: Panelist, "Perspectives on Poverty Law from the Bench," Washington Council of Lawyers, Washington, DC. The panel focused on the impact of poverty on cases brought in the Superior Court of the District of Columbia. I have no notes, transcript, or recording. The address of the Washington Council of Lawyers is 901 4th Street, Northwest, Suite 3101, Washington, DC 20001.

June 10, 2014: Panelist, Bench/Bar Dialogue on Practice in the Superior Court Domestic Violence Unit, District of Columbia Bar Family Law Section, Washington, DC. The panel was a question-and-answer session with attorneys whose practice focuses on domestic violence cases. I have no notes, transcript, or recording. The address of the District of Columbia Bar is 901 4th Street, Northwest, Washington, DC 20001.

February 5, 2014: Presenter, School Field Trip, Louise S. McGehee School, Washington, DC. I conducted a question-and-answer session with a group of

eleventh grade students visiting the Superior Court. I have no notes, transcript, or recording. The address of the Louise S. McGehee School is 2343 Prytania Street, New Orleans, Louisiana 70130.

October 17, 2013: Guest Lecturer, “Fundamentals of Cross Examination,” District of Columbia Law Students in Court Program, Washington, DC. I used the same notes that were provided for the October 27, 2015, class.

September 19, 2013: Guest Lecturer, “Litigating Domestic Violence Cases,” Georgetown University Law Center Domestic Violence Clinic, Washington, DC. Notes supplied.

September 4, 2013: Presenter, Overview of Civil Protection Order Petitions and Cases, District of Columbia Superior Court Criminal Division training, Washington, DC. The presentation covered the basic procedures followed in civil domestic violence cases. I have no notes, transcript, or recording. The address of the Superior Court of the District of Columbia is 500 Indiana Avenue, Northwest, Washington, DC 20001.

July 30, 2013: Speaker, “A View from the Bench,” District of Columbia Volunteer Lawyers’ Project, Washington, DC. The speech covered the basic procedures followed in civil domestic violence cases. I have no notes, transcript, or recording. The address of the District of Columbia Volunteer Lawyers’ Project is 5335 Wisconsin Avenue Northwest, Suite 440, Washington, DC 20015.

July 19, 2013: Guest Lecturer, “American Criminal Procedure,” Georgetown University Law Center International Studies LL.M. Program, Washington, DC. Notes supplied.

June 27, 2013: Panelist, “Perspectives on Poverty Law from the Bench,” Washington Council of Lawyers, Washington, DC. The panel focused on the impact of poverty on cases brought in the Superior Court of the District of Columbia. I have no notes, transcript, or recording. The address of the Washington Council of Lawyers is 901 4th Street, Northwest, Suite 3101, Washington, DC 20001.

June 25, 2013: Panelist, Bench/Bar Dialogue on Practice in the Superior Court Domestic Violence Unit, District of Columbia Bar Family Law Section, Washington, DC. The panel was a question-and-answer session with attorneys whose practice focuses on domestic violence cases. I have no notes, transcript, or recording. The address of the District of Columbia Bar is 901 4th Street, Northwest, Washington, DC 20001.

May 3, 2013: Speaker, Introduction of Natalie Hopkinson, District of Columbia Courts 2013 Joint Judges and Senior Managers Spring Conference, Washington, DC. I introduced an author who was the luncheon speaker at the annual

conference. I have no notes, transcript, or recording. The address of the Superior Court of the District of Columbia is 500 Indiana Avenue, Northwest, Washington, DC 20001.

March 22, 2013: Moderator, “The Effectiveness and Future of Community Courts,” 25th Annual Conference of the National Consortium on Racial and Ethnic Fairness in the Courts, Washington, DC. I served as the moderator of a panel focused on the effectiveness of drug courts, mental health courts, and other community-based courts. I have no notes, transcript, or recording. The address of the National Consortium on Racial and Ethnic Fairness in the Courts is c/o the National Center for State Courts, 300 Newport Avenue, Williamsburg, Virginia 23185.

March 11, 2013: Presenter, “Evidence,” Plenary Session, Bar Association of the District of Columbia Neglect and Delinquency Practice Institute, Washington, DC. The presentation covered evidentiary rules that are frequently litigated in family court cases. I have no notes, transcript or recording. The address of the Bar Association of the District of Columbia is 901 4th Street, Northwest, Washington, DC 20001.

February 21, 2013: Presenter, “Moving Documents into Evidence,” Washington Council of Lawyers Litigation Skills Training Program, Washington, DC. Notes supplied.

September 21, 2012: Award Acceptance Speech, Ladue Horton Watkins High School Distinguished Alumni Award, St. Louis, Missouri. I made brief remarks accepting my high school’s Distinguished Alumni Award. I have no notes, transcript, or recording. The address of Ladue Horton Watkins High School is 1201 South Warson Road, St. Louis, Missouri 63124.

September 19, 2012: Guest Lecturer, “Uncharged Misconduct Evidence,” Georgetown University Law Center Prettyman Fellowship Program, Washington, DC. Notes supplied.

September 12, 2012: Panelist, “View from the Bench,” Trial Lawyers Association of Metropolitan Washington, District of Columbia, Washington, DC. The presentation was a question-and-answer session regarding practice in the Superior Court’s Civil Division. I have no notes, transcript, or recording. The address of the Trial Lawyers Association of Metropolitan Washington, District of Columbia is 1919 M Street, Northwest, Suite 350, Washington, DC 20036.

September 6, 2012: Guest Lecturer, “Fundamentals of Cross Examination,” District of Columbia Law Students in Court Program, Washington, DC. I used the same notes that were provided for the October 27, 2015, class.

April 12, 2012: Panelist, Bench/Bar Dialogue on Practice in the Superior Court Civil Division, District of Columbia Bar Section on Courts, Lawyers, and the Administration of Justice, Washington, DC. The panel was a question-and-answer session with attorneys whose practice focuses on civil cases. I have no notes, transcript or recording. The address of the District of Columbia Bar is 901 4th Street, Northwest, Washington, DC 20001.

March 9, 2012: Panelist, "Forewarned Is Forearmed: District of Columbia Jury Instruction Issues," Metropolitan Washington Employment Lawyers Association Annual Convention, Washington, DC. Notes supplied.

February 25, 2012: Judge, Howard University School of Law Bryant-Moore Invitational Moot Court Competition, Washington, DC. I served as a judge in the final round of a law school moot court competition. I have no notes, transcript, or recording. The address of the Howard University School of Law is 2900 Van Ness Street, Northwest, Washington, DC 20008.

October 6, 2011: Guest Lecturer, "Fundamentals of Cross Examination," District of Columbia Law Students in Court Program, Washington, DC. I used the same notes that were provided for the October 27, 2015, class.

September 13, 2011: Guest Lecturer, "Uncharged Misconduct Evidence," Georgetown University Law Center Prettyman Fellowship Program, Washington, DC. I used the same notes that were provided for the September 19, 2012, lecture.

February 26, 2011: Judge, Howard University School of Law Luke Charles Moore Invitational Moot Court Competition, Washington, DC. I served as a judge in the quarterfinal round of a law school moot court competition. I have no notes, transcript, or recording. The address of the Howard University School of Law is 2900 Van Ness Street, Northwest, Washington, DC 20008.

January 2, 2011: Speaker, Administration of Oath of Office, District of Columbia Inauguration Ceremony, Washington, DC. I administered the oath to several local elected officials. I have no notes, transcript, or recording. The address of the Office of the Mayor of the District of Columbia is 1350 Pennsylvania Avenue, Northwest, Washington, DC 20004.

November 19, 2010: Keynote Speaker, Georgetown Law Public Interest Law Fellows Annual Dinner, Washington, DC. Notes supplied.

September 23, 2010: Guest Lecturer, "Fundamentals of Cross Examination," District of Columbia Law Students in Court Program, Washington, DC. I used the same notes that were provided for the October 27, 2015, class.

September 14, 2010: Guest Lecturer, “Uncharged Misconduct Evidence,” Georgetown University Law Center Prettyman Fellowship Program, Washington, DC. I used the same notes that were provided for the September 19, 2012, lecture.

2008 – 2010: Faculty, Southern Public Defender Training Center, Birmingham, Alabama. I served as training faculty at a trial advocacy program for new public defenders hired in offices throughout the South. I have no notes, transcripts or recordings. The address for the Southern Public Defender Training Center (now known as Gideon’s Promise) is 101 Marietta Street Northwest, Suite 250, Atlanta, Georgia 30303.

November 16, 2009: Presenter, “Opening Statements in Abuse and Neglect Trials,” Children’s Law Center, Washington, DC. Notes supplied.

October 14, 2009: Presenter, Question-and-Answer Session, “Advocating for Downward Departures at Sentencing,” Public Defender Service Offender Rehabilitation Division, Washington, DC. The presentation was a question-and-answer session for social workers regarding the operation of the District of Columbia Voluntary Sentencing Guidelines. I have no notes, transcript, or recording. The address of the Public Defender Service is 633 Indiana Avenue, Northwest, Washington, DC 20004.

September 24, 2009: Guest Lecturer, “Fundamentals of Cross Examination,” District of Columbia Law Students in Court Program, Washington, DC. I used the same notes that were provided for the October 27, 2015, class.

September 19, 2009: Presenter, “Opinion Evidence,” Washington Council of Lawyers Evidence Training, Washington, DC. The lecture covered the law regarding the presentation of opinion evidence by lay witnesses. I have no notes, transcript, or recording. The address of the Washington Council of Lawyers is 901 4th Street, Northwest, Suite 3101, Washington, DC 20001.

June 9, 2009: Panel Moderator, Washington Council of Lawyers Summer *Pro Bono* and Public Interest Forum, Washington, DC. I served as the moderator of a panel for law students on public interest career paths. I have no notes, transcript, or recording. The address of the Washington Council of Lawyers is 901 4th Street, Northwest, Suite 3101, Washington, DC 20001.

2007 – 2009: Faculty, AFL-CIO Lawyers Coordinating Committee Trial Advocacy Workshop, Silver Spring, Maryland. I served as training faculty at a trial advocacy workshop for labor and employment lawyers. I have no notes, transcript, or recordings. The address of the AFL-CIO Lawyers Coordinating Committee is 815 16th Street, Northwest, Sixth Floor, Washington, DC 20006.

November 17, 2008: Presenter, "Opening Statements in Abuse and Neglect Trials," Children's Law Center, Washington, DC. I used the same notes that were provided for the November 16, 2009, presentation.

October 29, 2008: Panel Moderator, "The Eyewitness Identification Procedures Act of 2008," District of Columbia Bar Sections on Criminal Law and Individual Rights, Litigation, and District of Columbia Affairs, Washington, DC. I served as the moderator for a panel on legislation pending in the District of Columbia Council. I have no notes, transcript, or recording. The address of the District of Columbia Bar is 901 4th Street, Northwest, Washington, DC 20001.

September 11, 2008: Guest Lecturer, "Fundamentals of Cross Examination," District of Columbia Law Students in Court Program, Washington, DC. I used the same notes that were provided for the October 27, 2015, class.

June 5, 2008: Panel Moderator, Washington Council of Lawyers Summer *Pro Bono* and Public Interest Forum, Washington, DC. I served as the moderator for a panel for law students on public interest career paths. I have no notes, transcript, or recording. The address of the Washington Council of Lawyers is 901 4th Street, Northwest, Suite 3101, Washington, DC 20001.

January 24, 2008: Presenter, "Evidence Blocking and Motions Practice," Venable LLP *Pro Bono* Program, Washington, DC. Notes supplied.

2008: Faculty, Equal Justice Works Leadership Development Training, Washington, DC. I served as training faculty at a leadership development conference for Equal Justice Works Fellows preparing to begin Fellowships in various public interest positions. I have no notes, transcript, or recording. The address of Equal Justice Works is 1730 M Street, Northwest #1010, Washington, DC 20036.

April 26, 2007: Presenter, "Expert Testimony," Washington Council of Lawyers Litigation Skills Training Program, Washington, DC. The lecture covered District of Columbia law regarding presentation of expert testimony. I have no notes, transcript, or recording. The address of the Washington Council of Lawyers is 901 4th Street, Northwest, Suite 3101, Washington, DC 20001.

2007: Guest Lecturer, "The Art of Judging," George Washington University School of Law, Washington, DC. The lecture covered effective advocacy in criminal cases. I have no notes, transcript, or recording. The address of the George Washington University School of Law is 2000 H Street, Northwest, Washington, DC 20052.

November 18, 2006: Panelist, "Litigating Homicide Cases," Criminal Practice Institute Conference, Public Defender Service for the District of Columbia, Washington, DC. The panel focused on investigation, discovery, and strategic

considerations in homicide cases. I have no notes, transcript, or recording. The address of the Public Defender Service for the District of Columbia is 633 Indiana Avenue, Northwest, Washington, DC 20004.

2006: Guest Lecturer, Criminal Defense: Theory and Practice, Yale Law School, New Haven, Connecticut. The lecture focused on opening statements and closing arguments in criminal trials. I have no notes, transcript, or recording. The address of Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

February 10, 2006: Panelist, Clinical Theory Workshop, New York Law School, New York, New York. The panel discussed a recent symposium published in the *Clinical Law Review*. I have no notes, transcript, or recording. The address of the New York Law School is 185 West Broadway, New York, New York 10013.

May 5, 2005: Presenter, "Direct and Cross Examination," Washington Council of Lawyers Litigation Skills Training Program, Washington, DC. Notes supplied.

2005: Guest Lecturer, Criminal Defense: Theory and Practice, Yale Law School, New Haven, Connecticut. The lecture focused on opening statements and closing arguments in criminal trials. I have no notes, transcript, or recording. The address of Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

2005: Faculty, National Legal Aid and Defender Association Trial Advocacy College, Philadelphia, Pennsylvania. I served as training faculty at a trial advocacy program for new public defenders and legal services lawyers. I have no notes, transcript, or recording. The address of the National Legal Aid and Defender Association is 1901 Pennsylvania Avenue, Northwest #500, Washington, DC 20006.

2005: Faculty, Georgia Public Defender Standards Council, Vidalia, Georgia. I served as training faculty at a trial advocacy program for new public defenders in Georgia. I have no notes, transcript, or recording. The Georgia Public Defender Standards Council no longer exists.

November 29, 2004: Presenter, "Litigating Evidentiary Issues in Abuse and Neglect Cases," Children's Law Center, Washington, DC. Notes supplied.

June 22, 2004: Panelist, "Domestic Violence Cases," Arnold & Porter *Pro Bono* Program, Washington, DC. Notes supplied.

2004: Presenter, "Juvenile Court Probable Cause Hearings," District of Columbia Criminal Defender Training Program/Juvenile Certification Series, Public Defender Service for the District of Columbia, Washington, DC. The presentation focused on effective cross examination and argument in probable cause hearings. I have no notes, transcript, or recording. The address of the

Public Defender Service for the District of Columbia is 633 Indiana Avenue, Northwest, Washington, DC 20004.

November 3, 2003: Guest Lecturer, Criminal Law, Harvard Law School, Cambridge, Massachusetts. The lecture focused on the litigation of motions under the Fourth and Fifth Amendments to the United States Constitution. I have no notes, transcript, or recording. The address of Harvard Law School is 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

November 3, 2003: Panelist, Harvard Law School Wasserstein Public Interest Career Panel, "The World of Criminal Prosecution and Defense," Cambridge, Massachusetts. The panel focused on career paths in criminal law. I have no notes, transcript, or recording. The address of Harvard Law School is 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

June 24, 2003: Panelist, "Sentencing Practice: What Every Defense Lawyer Needs to Know," District of Columbia Criminal Defender Training Program, Public Defender Service for the District of Columbia, Washington, DC. The panel focused on effective advocacy in sentencing hearings. I have no notes, transcript, or recording. The address of the Public Defender Service for the District of Columbia is 633 Indiana Avenue, Northwest, Washington, DC 20004.

2003: Guest Lecturer, Public Interest Litigation, George Washington University School of Law, Washington, DC. The lecture focused on career paths in criminal law. I have no notes, transcript, or recording. The address of the George Washington University School of Law is 2000 H Street, Northwest, Washington, DC 20052.

July 18, 2002: Presenter, "Effective Cross Examination," District of Columbia Criminal Defender Training Program, Washington, DC. Notes supplied.

November 17, 2001: Panelist, "Effective Sentencing Advocacy," Criminal Practice Institute Conference, Washington, DC. The panel focused on effective advocacy in sentencing hearings. I have no notes, transcript, or recording. The Criminal Practice Institute Conference is sponsored by the Public Defender Service for the District of Columbia. The address of the Public Defender Service for the District of Columbia is 633 Indiana Avenue, Northwest, Washington, DC 20004.

June 21, 2001: Presenter, "Cross Examining Expert Witnesses," District of Columbia Criminal Defender Training Program, Washington, DC. Notes supplied.

2001: Presenter, "Cross Examination in Juvenile Court Probable Cause Hearings," Bar Association of the District of Columbia Delinquency Seminar and Practicum for Juvenile Defenders, Washington, DC. The presentation focused on

effective cross examination and argument in probable cause hearings. I have no notes, transcript, or recording. The address of the Bar Association of the District of Columbia is 1016 16th Street, Northwest, Suite 101, Washington, DC 20036.

November 19, 2000: Panelist, “Creative Motions Practice,” Criminal Practice Institute Conference, Washington, DC. Notes supplied.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Guest, Law and Procedures in Landlord and Tenant Court, National Association of Women Judges and District of Columbia Department of Corrections “Inside Voices” podcast, December 9, 2021. Recording supplied.

Dan Schere, *Legal clinic aiding domestic violence victims, at-risk children, turns 10*, Wash. Jewish Week, Jan. 9, 2018. Copy supplied.

Testimonial, Gideon’s Promise. My comments can be accessed at <https://www.gideonspromise.org/honorable-judge-todd-edelman>. I do not know when these comments date from, and have no specific recollection of making them.

Brittany Nay, *2012 Ladue Distinguished Alumni: Celebrating 60 Years of Achievement*, Ladue News, Sept. 13, 2012. Copy supplied.

Wallace J. Mlyniec, *Developing a Teacher Training Program for New Clinical Teachers*, 19 Clinical L. Rev. 327 (Fall 2012). Copy supplied.

Tom Feeney Jr., *Investiture of Judge Jennifer DiToro*, Full Court Press, Dec. 2011. Copy supplied.

Tom Feeney Jr., *Investiture of Judge Maribeth Raffinan*, Full Court Press, Mar. 2011. Copy supplied.

Tom Feeney Jr., *Investiture of Judge Todd Edelman*, Full Court Press, Dec. 2010. Copy supplied.

Henri E. Cauvin, *Suit Seeks Early Counsel for Defendants: Maryland High Court to Weigh Representation at Initial Hearings*, Wash. Post, Jan. 9, 2009. Copy supplied.

Henri E. Cauvin, *Mental Health Experts Can Often Tell Defendant’s Tale; Malvo’s Insanity Plea Allows for Hearsay*, Wash. Post, Dec. 9, 2003. Copy supplied.

Jason Cherkis, *Rough Justice*, City Paper, Jan. 7, 2000. Copy supplied.

Christopher Mitchell, *Harvard Should Help, City Officials Argue*, Harv. Crimson, Apr. 4, 1990. Copy supplied.

Meenekshi Bose, *College Students Tackle Issue of Homeless*, The Daily Collegian (Pennsylvania State University), Dec. 9, 1987. Copy supplied.

Yale Course Teaches Students About Homelessness First Hand, Associated Press, Nov. 30, 1987. Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have served as an Associate Judge of the Superior Court of the District of Columbia since July 2010. I was nominated to this position by President Obama on March 25, 2010, and confirmed by the United States Senate by voice vote on June 22, 2010. The Superior Court is the trial court of general jurisdiction for the District of Columbia. As a Superior Court judge, I have served in the Civil Division (2010 – 2012, 2017, and 2021 – present), the Domestic Violence Unit (2013 – 2014), and the Felony Branch of the Criminal Division (2015 – 2016 and 2018 – 2020). In January 2020, Chief Judge Anita Josey-Herring appointed me as Deputy Presiding Judge of the Superior Court’s Civil Division, and I continue to serve in that position.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

I have presided over approximately 500 cases to verdict or judgment.

- i. Of these cases, approximately what percent were:

jury trials:	30%
bench trials:	70%

- ii. Of these cases, approximately what percent were:

civil proceedings:	50%
criminal proceedings:	50%

- b. Provide citations for all opinions you have written, including concurrences and dissents.

See attached list of opinions.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *TRG Customer Sols., Inc. v. Smith*, 226 A.3d 751 (D.C. 2020).

Sitting by designation on the District of Columbia Court of Appeals, I authored an opinion clarifying the standard for determining when a party's litigation activity constitutes a waiver of its right to invoke an arbitration clause to compel dismissal of a lawsuit. We held that the defendant's unexplained five-month delay in asserting a contractual arbitration clause and its active participation in the lawsuit through the filing of two motions to dismiss and agreement to an extended scheduling order effected such a waiver.

Appellant's counsel:

Nicholas T. Solosky
Fox Rothschild LLP
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Washington, DC 20006
(202) 696-1460

Appellee's counsel:

Mark G. Chalpin
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Gaithersburg, MD 20877
(301) 990-4900

2. *United States v. McLeoud et al.*, 2017 CF1 9869 (D.C. Super. Ct.)

In this case, the government initially charged two separate homicides in the same indictment, linking them through a forensic match of ballistics evidence found by the District of Columbia's Department of Forensic Sciences (DFS). After using an independent expert to re-test the evidence, the government discovered that the initial conclusion that the ballistics evidence from the two crime scenes matched had been made in error. In a series of hearings over the next year, I issued rulings regarding the government's disclosure obligations to the defense and the objections raised by DFS to the government's subpoenas. The case led to an extensive audit of DFS, and eventually to the resignation of its Director and other officials. The case remains pending.

Government counsel:

Michael Spence
Office of the United States Attorney for the District of Columbia
601 D Street, Northwest
Washington, DC 20530
(202) 809-2053

Counsel for Defendant McLeoud:

Steven Kiersh
Solo Practitioner
5335 Wisconsin Avenue, Northwest, Suite 440
Washington, DC 20015
(202) 347-0200

Counsel for Defendant Brown:

Brian McDaniel
The Cochran Firm
1666 K Street, Northwest, Suite 1150
Washington, DC 20006
(202) 682-5800

Counsel for Defendant McCoy:

Rachel McCoy
Solo Practitioner
1220 G Street, Northwest, Suite 800
Washington, DC 20005
(909) 800-2739

Counsel for Department of Forensic Sciences:

Robert Trout
Schertler Onorato Mead & Sears
555 13th Street, Northwest, Suite 500 West
Washington, DC 20004
(202) 628-4199

3. *United States v. Headspeth*, 2016 CF1 1887 (D.C. Super. Ct.).

The government charged Mr. Headspeth with assault with the intent to kill while armed and related offenses, alleging that he ambushed, shot, and seriously injured the brother of another man that the defendant had killed years before, as well as the brother's girlfriend. Trial in the case required weighing the admissibility of evidence of prior crimes and, during the deliberations stage, suggestions of juror misconduct. The jury convicted Mr. Headspeth of all charges, and I sentenced

him to an aggregate term of 30 years in prison. The case is currently on appeal to the District of Columbia Court of Appeals.

Government counsel:

Laura Bach
Office of the United States Attorney for the District of Columbia
601 D Street, Northwest
Washington, DC 20530
(202) 252-7089

Ellen D'Angelo
Office of the United States Attorney for the Southern District of Florida
(formerly at the Office of the United States Attorney for the District of Columbia)
99 Northeast 4th Street
Miami, FL 33132
(305) 961-9349

Defendant's counsel:

Howard McEachern
Solo Practitioner
9701 Apollo Drive, Suite 301
Largo, MD 20774
(301) 925-4069

4. *District of Columbia v. Bongam et al.*, 2012 CA 8516 & 2007 CA 5472 (D.C. Super. Ct.), *aff'd*, 271 A.3d 1154 (D.C. 2022)

In these consolidated actions, the District of Columbia sought compensation under the District of Columbia Wage Payment and Collection Law for a group of immigrant home health aides who alleged that the defendant and his alter ego company had illegally withheld their wages in a variety of ways. Over the course of a three-week trial, I ruled on complex issues relating to the admissibility of various government documents, the sanctions to be imposed on a party for spoliation of records, and the ability of the District to pursue claims on behalf of complainants who did not appear for trial. I eventually rendered a judgment for more than \$300,000. The Court of Appeals affirmed my judgment in its entirety.

Plaintiff's counsel:

Walter Adams
Christine Gephardt
Office of the Attorney General of the District of Columbia
400 6th Street, Northwest
Washington, DC 20001

(202) 727-6262

Pete Chattrabhuti
Hollingsworth LLP (formerly at the Office of the Attorney General of the District
of Columbia)
1350 I Street, Northwest
Washington, DC 20005
(202) 898-5822

Counsel for Defendant Dynamic Visions, Inc.:

C. Jude Iweanoge
Iweanoge Law Center
1026 Monroe Street, Northeast
Washington, DC 20017
(202) 347-7026

Mr. Bongam appeared pro se.

5. *United States v. Jones*, 2013 CF3 10586 (D.C. Super. Ct. June 2, 2015).
Decision supplied.

In this case, the government indicted Mr. Jones as the “Petworth serial stabber,” alleging that he had committed four separate stabbings in the neighborhood in 2013. Pretrial litigation involved issues regarding efforts to restore the defendant’s competence to stand trial, his competence to waive the insanity defense, and the propriety of the joinder of the various charges. I eventually found Mr. Jones competent, permitted him to waive his insanity defense, and allowed the government to prosecute charges related to all four incidents in a single trial. After a two-week trial, a jury found Mr. Jones not guilty of all charges.

Government counsel:

Philip Selden
Office of the United States Attorney for the District of Maryland
(formerly at the Office of the United States Attorney for the District of Columbia)
36 South Charles Street, Fourth Floor
Baltimore, MD 21201
(410) 209-4900

Defendant’s counsel:

Betty Ballester
Solo Practitioner
4200 Wisconsin Avenue Northwest #106-293

Washington, DC 20016
(202) 244-9400

6. *Small v. Cannady*, 2013 CPO 2174, 2014 D.C. Super. LEXIS 4 (D.C. Super. Mar 26, 2014).

In three consolidated cases, I addressed an issue left unresolved by the District of Columbia's domestic violence statute (the Intrafamily Offenses Act), holding that a domestic violence complainant can obtain a civil protection order based on proof that another person has maliciously destroyed his or her property. The opinion extended the protections available to domestic violence victims, and continues to be followed by judges presiding in the Superior Court's Domestic Violence Division.

Petitioners' counsel:

Olewwmimo (Wemi) Peters (for petitioner Small)
Office of the Attorney General of the District of Columbia
(formerly at Legal Aid Society of the District of Columbia)
400 6th Street, Northwest
Washington, DC 20001
(202) 671-3581

Monica Trigoso (for petitioner Johnson)
Office of the United States Attorney for the District of Columbia (formerly at Break the Cycle)
601 D Street, Northwest
Washington, DC 20530
(202) 252-7768

All other parties appeared pro se.

7. *District of Columbia Housing Authority v. Reid*, 2011 LTB 34141, 2012 D.C. Super. LEXIS 9 (D.C. Super. Ct. Dec. 17, 2012).

This landlord and tenant case turned on novel issues regarding the relationship between a criminal expungement statute and a civil action to evict a tenant based upon a subsequently-expunged conviction. After considering the briefs of the parties and various *amici curiae*, I ruled that the expungement statute did apply to the plaintiff public housing authority and prevented it from basing an eviction action on expunged records, but that the fact of the expungement of the criminal case did not require dismissal of the eviction action. The parties thereafter reached a settlement in the case.

Plaintiff's counsel:

Lisa J. Dessel
Rena Schild
Musolino & Dessel, PLLC
1615 L Street, Northwest, Suite 440
Washington, DC 20036
(202) 466-3883

Defendant's counsel:

Hsing L. Yanker
(formerly at Pepper Hamilton LLP; current business contact information
unavailable)

Counsel for amicus curiae:

Beth Mellen
Office of the Attorney General of the District of Columbia
(formerly at the Legal Aid Society of the District of Columbia)
400 6th Street, Northwest
Washington, DC 20001
(202) 724-1444

The Honorable Robert Okun
Superior Court of the District of Columbia (formerly at the Office of the United
States Attorney for the District of Columbia)
500 Indiana Avenue, Northwest
Washington, DC 20001
(202) 879-4602

Vanessa S. Phillips
Law Office of Vanessa S. Phillips (formerly at the Office of the Attorney General
for the District of Columbia)
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Kemblesville, PA 19347
(215) 392-4111

8. *1433 T Street Assocs., LLC v. Tessema et al.*, 2009 LTB 21057 et seq. (D.C.
Super. Ct.).

The *T Street* litigation involved a multi-year dispute over a landlord's efforts to remove all of the tenants from an apartment building. While the landlord and tenants were litigating the legality of various actions (including a rent increase) taken by the landlord in front of a city administrative agency, the landlord brought actions in Superior Court based on the tenants' failure to pay the proposed increased rents. I stayed the eviction actions and took several steps to maintain the status quo and protect all parties' property interests during the pendency of the

administrative process; in particular, I determined the appropriate amount of protective order payments that the tenants needed to pay into the Court's registry to protect the landlord's potential interest should it ultimately prevail in the lawsuit, and held several multi-day hearings regarding the condition of the building, the landlord's costs in continuing to operate the building, and the appropriate level of market-based rent. Eventually, the parties settled the case, with the tenants accepting cash payments in exchange for moving out of the building.

Plaintiff's counsel:

Jeffrey Styles
Sullivan, Styles & Barros, LLP
1990 M Street, Northwest, Suite 200
Washington, DC 20036
(202) 503-1700

Defendants' counsel:

Beth Mellen
Office of the Attorney General of the District of Columbia
(formerly at the Legal Aid Society of the District of Columbia)
400 6th Street, Northwest
Washington, DC 20001
(202) 724-1444

The Honorable Julie Becker
Superior Court of the District of Columbia (formerly at the Legal Aid Society)
500 Indiana Avenue, Northwest
Washington, DC 20001
(202) 879-3397

9. *Havilah Real Property Services, LLC v. VLK, LLC et al.*, 2008 CA 2474 (D.C. Super. Ct. Sept. 15, 2010 & Mar. 29, 2011), *aff'd*, 108 A.3d 334 (D.C. 2015).
Decisions supplied.

This complex civil action involving competing real estate ventures presented several extensively-litigated issues of first impression, including whether the filing of a notice *lis pendens* in connection with litigation over real property is protected by an absolute or conditional privilege as a defense to a claim of tortious interference with prospective business advantage; whether such a filing, when made in bad faith, can support a claim of malicious prosecution; and what the measure of damages for such claims should be. In two written memorandum opinions, I ruled that such filings should be conditionally rather than absolutely privileged (and that the plaintiff's tort claim for interference with prospective business advantage could thus proceed), but that District of Columbia law did not

support the plaintiff's malicious prosecution claim. After multiple pretrial hearings, I presided over a lengthy jury trial which resulted in a verdict for the plaintiff on the interference with prospective business advantage claim. The District of Columbia Court of Appeals affirmed the judgment in its entirety.

Plaintiff's counsel:

Eric Rome
Eisen & Rome, P.C.
One Thomas Circle, Northwest, Suite 1010
Washington, DC 20005
(202) 659-2822

June Marshall
Holland & Knight LLP
800 17th Street, Northwest, Suite 1100
Washington, DC 20006
(202) 469-5243

Defendants' counsel:

Roger W. Heald (retired)

10. *Davis v. District of Columbia*, 2005 CA 8722, 2010 D.C. Super. LEXIS 6 (D.C. Super. Ct. Nov. 23, 2010), 2011 WL 2173986 (D.C. Super. Ct. Apr. 12, 2011), *aff'd*, No. 11-CV-1424 (D.C. July 31, 2013).

In this case, a former employee of the District of Columbia challenged his 2004 termination under the District of Columbia Human Rights Act (DCHRA) and the District of Columbia Whistleblowers Protection Act (DCWPA). Pretrial litigation in the case raised an issue of first impression regarding the retroactivity of the 2009 amendments to the DCWPA's statute of limitations and notice of claim provisions. After a hearing and briefing from the parties, I ruled that application of the 2009 amendments to this lawsuit would not constitute an impermissible retroactive application of law, and denied the District's motion to dismiss the case on statute of limitations and notice of claim grounds. I subsequently granted summary judgment for the District on the DCWPA claim, and a jury rendered a verdict for the District on the DCHRA claim. The District of Columbia Court of Appeals affirmed the judgment in its entirety.

Plaintiff's counsel:

John F. Karl, Jr.
Alderman, Devorsetz & Hora, PLLC
1025 Connecticut Avenue, Northwest, Suite 615
Washington, DC 20036

(202) 969-8220

Counsel for the District of Columbia:

Kerslyn D. Featherstone
Office of the Attorney General for the District of Columbia
400 6th Street Northwest
Washington, DC 20001
(202) 727-3400

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *TRG Customer Sols., Inc. v. Smith*, 226 A.3d 751 (D.C. 2020).

Appellant's counsel:

Nicholas T. Solosky
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2020 K Street, Northwest, Suite 500
Washington, DC 20006
(202) 696-1460

Appellee's counsel:

Mark G. Chalpin
116 Billingsgate Lane
Gaithersburg, MD 20877
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2. *United States v. Mercer*, 2020 D.C. Super. LEXIS 32 (D.C. Super. Ct. September 17, 2020).

Government counsel:

Timothy Cahill
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(202) 252-7270

Defendant's counsel:

Kristin McGough

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Washington, DC 20001
(202) 681-6410

3. *United States v. Tibbs*, 2019 D.C. Super. LEXIS 9 (D.C. Super. Ct. Sept. 5, 2019)

Government counsel:

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Lindsey Merikas
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Michael Ambrosino
(formerly at the Office of the United States Attorney for the District of Columbia;
current business contact information unavailable)

Defendant's counsel:

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Prescott Loveland
Public Defender Service for the District of Columbia
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Maneka Sinha
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(410) 706-5232

4. *United States v. Funderburk*, 2018 D.C. Super. LEXIS 14 (D.C. Super. Ct. Dec. 31, 2018).

Government counsel:

Felice Roggen
Office of the United States Attorney for the District of Columbia
601 D Street, Northwest
Washington, DC 20530
(202) 252-6730

Defendant's counsel:

Amanda Rogers
Public Defender Service for the District of Columbia
600 Indiana Avenue, Northwest
Washington, DC 20001
(202) 824-2858

5. *United States v. Lacy*, 2015 CMD 9486 (D.C. Super. Ct. Mar. 10, 2016).
Decision supplied.

Government counsel:

Nicole Raspa
United States Department of Justice
(formerly at the Office of the United States Attorney for the District of Columbia)
150 M Street, Southeast
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(202) 353-4081

Defendant's counsel:

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Katherine Moss
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6. *Small v. Cannady*, 2014 D.C. Super. LEXIS 4 (D.C. Super. Ct. Mar. 26, 2014).

Petitioners' counsel:

Olewwmimo (Wemi) Peters (for petitioner Small)
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Monica Trigos (for petitioner Johnson)
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Break the Cycle)
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Washington, DC 20530
(202) 252-7768

All other parties appeared pro se.

7. *Payne v. District of Columbia Department of Employment Services and
Washington Metropolitan Area Transit Authority*, 99 A.3d 665 (D.C. 2014).

Appellant's counsel:

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Appellee's counsel:

Mark H. Dho
Washington Metropolitan Area Transit Authority
600 Fifth Street, Northwest
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8. *District of Columbia Housing Authority v. Reid*, 2012 D.C. Super. LEXIS 9
(D.C. Super. Ct. Dec. 17, 2012).

Plaintiff's counsel:

Lisa J. Dessel

Rena Schild
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Defendant's counsel:

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Counsel for amici curiae:

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The Honorable Robert Okun
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9. *Havilah Real Property Services, LLC v. VLK, LLC et al.*, 2008 CA 2474 (D.C.
Super. Ct. Mar. 29, 2011). Decision previously supplied in response to
Question 13c.

Plaintiff's counsel:

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Eisen & Rome, P.C.
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June Marshall
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800 17th Street, Northwest, Suite 1100
Washington, DC 20006
(202) 469-5243

Defendants' counsel:

Roger W. Heald
(retired)

10. *Davis v. District of Columbia*, 2010 D.C. Super. LEXIS 6 (D.C. Super. Ct. Nov. 23, 2010).

Plaintiff's counsel:

John F. Karl, Jr.
Alderman, Devorsetz & Hora, PLLC
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Counsel for the District of Columbia:

Kerslyn D. Featherstone
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(202) 727-3400

- e. Provide a list of all cases in which certiorari was requested or granted.

To my knowledge, certiorari has not been requested or granted in any of my cases.

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

The New School v. The Carmen Group, Inc., 2017 CA 3159 (Nov. 16, 2017), *rev'd in part*, No. 18-CV-892 (D.C. Jan. 22, 2021). In this contract dispute, I issued an order granting in part the defendant's motion to dismiss and denying the defendant's motion for judgment on the pleadings (as to its counterclaim) in its

entirety. Decision supplied. On appeal, the District of Columbia Court of Appeals disagreed with my reading of a portion of the contract, and held that the defendant was entitled to judgment as to its counterclaim. Decision supplied.

Bridgforth v. Gateway Georgetown Condo, Inc., 2015 CA 8278 (D.C. Super. Ct. Oct. 12, 2017), *rev'd in part*, 214 A.3d 971 (D.C. 2019). In a bench trial, I ruled that the plaintiff was not entitled to the vast majority of the documents he had requested from his condominium association under the District of Columbia Nonprofit Corporation Act. The District of Columbia Court of Appeals affirmed the verdict, but ruled that I had erred in not considering whether attorneys' fees should have been awarded pursuant to the District of Columbia Condominium Act. On remand, the parties resolved all remaining disputes.

Lane v. United States, 2016 CF2 1189 (D.C. Super. Ct. July 20, 2016), *remanded by* No. 16-CF-959 (D.C. July 18, 2018). The defendant in this case was charged with various possessory firearms offenses, and filed a motion to suppress pursuant to the Fourth Amendment to the United States Constitution. After an evidentiary hearing, I denied the motion. In order to preserve his right to appeal my ruling on the suppression motion, the defendant waived his right to a jury trial and consented to a bench trial in which he stipulated to all facts as alleged by the government. The District of Columbia Court of Appeals affirmed my ruling on the suppression motion, but ruled that I erred in not conducting an inquiry similar to that required by Superior Court Rule of Criminal Procedure 11 before accepting the defendant's stipulation. Decision supplied. On remand, the defendant again consented to a stipulated trial, and received the same sentence that I had originally imposed.

DeStefano v. Children's Nat'l Medical Center, 2010 CA 1935 (D.C. Super. Ct. June 12, 2012), *rev'd in part*, 121 A.3d 59 (D.C. 2015). In a case of first impression, the Court of Appeals reversed a portion of an order I had issued on the defendants' motions for summary judgment. I ruled that, because she was not herself in the "zone of physical danger," the plaintiff's mother could not prevail in an action for negligent infliction of emotional distress. Decision supplied. Adopting the "rescuer doctrine" employed in other jurisdictions, the Court of Appeals held that the plaintiff's mother could proceed with her individual claim because the evidence could support the conclusion that her actions in attempting to assist the plaintiff placed her in the zone of danger.

Vesta Corp. t/a Gregory Apartments v. Davis, 2012 LTB 15502 (D.C. Super. Ct.), *remanded by* No. 12-CV-1979 (D.C. Dec. 11, 2013). After the plaintiff defaulted by failing to appear for several court proceedings, another judge granted judgment for the landlord, and the tenant was evicted. The tenant later filed a motion to restore her to possession of the premises, which I denied when the tenant appeared before me in the Landlord and Tenant Branch. The Court of Appeals remanded, ruling that I had not properly considered all of the factors necessary to determine whether to grant relief from judgment. Decision supplied. On remand,

I issued an order reinstating my original judgment. My ruling on remand was not subsequently appealed.

Fraternal Order of Police v. District of Columbia, 2011 CA 6032 (D.C. Super. Ct. May 1, 2012), *rev'd in part*, 79 A.3d 347 (D.C. 2013). In this lawsuit filed under the District of Columbia Freedom of Information Act (FOIA), I granted in part and denied in part motions for summary judgment filed by each party, and denied plaintiff's motion for reconsideration. Decisions supplied. The Court of Appeals reversed a portion of my grant of summary judgment to the District with regard to the District's invocation of the "deliberative process exception" and the adequacy of its search for certain documents.

Sparrow v. District of Columbia Office of Human Rights, 2011 CA 8024 (D.C. Super. Ct. Sept. 6, 2012), *rev'd*, 74 A.3d 698 (D.C. 2013). I affirmed an administrative determination by the District of Columbia Office of Human Rights (OHR). Decision supplied. Hearing an appeal *de novo*, the Court of Appeals reversed OHR's decision, holding one of OHR's findings was not supported by substantial evidence.

Hollins v. Hollins, 2003 CA 867 & 929 (D.C. Super. Ct. Mar. 16, 2011), *remanded by* No. 11-CV-442 (D.C. Aug. 23, 2012). I denied the plaintiff's request to reconsider a post-judgment opinion rendered by a recently-retired judge, or to permit him to late file an appeal. Decision supplied. The Court of Appeals remanded the case, ruling that I erred in deferring to the original trial judge's determinations and in consulting the court's records regarding electronic service of the original order in denying the motion to late-file.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

Approximately 99 percent of the opinions and orders I have issued are not published. Those orders and opinions are filed and stored on the Superior Court's docketing system, accessible to the public.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

United States v. Funderburk, 2018 D.C. Super. LEXIS 14 (D.C. Super. Ct. Dec. 31, 2018).

United States v. Barahona, 2014 D.C. Super. Lexis 19 (D.C. Super. Ct. Dec. 12, 2014).

Gray v. Sobin, 2014 D.C. Super. LEXIS 1 (D.C. Super. Ct. Feb. 14, 2014).

Raymond v. District of Columbia, 2008 CA 7578 (D.C. Super. Ct. May 8, 2012).
Decision supplied.

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have not sat by designation on any federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

The Superior Court of the District of Columbia does not employ an automatic recusal system. Like other judges on our court, I have recused myself when I have felt that my knowledge of facts relating to the litigation or my relationship with a party created adequate grounds for recusal. No party has ever requested my recusal from a case.

Furst v. Grimm, 2022 CA 735: I recused because of my prior experiences and relationship with a party.

Johnson v. American Federation of Gov't Employees et al., 2016 CA 9299: I recused because a party was represented by the law firm for which I previously worked.

United States v. McCrea, 2014 DVM 2123 & 2014 DVM 2369: I recused from these non-jury trials because I had learned information about the complaining witness in a separate proceeding relevant to the contested issues in these cases.

United States v. Gordon, 2013 DVM 2937: I recused because I had previously represented the Defendant.

Beckwith v. Miller, 2011 CPO 3803: I recused because I had previously represented a party.

Hunt v. Sequoia Presidential Yacht Group et al., 2011 CA 7109: I recused because of a personal relationship with the spouse of a party.

Hall v. Saunders, 2011 CA 5071: I recused from this non-jury matter because I had learned facts bearing on the credibility of a party in an unrelated proceeding.

United States v. Crawford, F-8342-99: I recused from consideration of a post-conviction motion alleging ineffective assistance of counsel because of a personal and professional relationship with trial counsel.

15. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

None.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

None.

16. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I served as a clerk to the Honorable William B. Bryant on the United States District Court for the District of Columbia from 1994 to 1995.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have never practiced alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

1995 – 1997

E. Barrett Prettyman Fellowship Program
Georgetown University Law Center
111 F Street, Northwest
Washington, DC 20001
E. Barrett Prettyman Fellow

1997 – 2005

Public Defender Service for the District of Columbia
633 Indiana Avenue, Northwest
Washington, DC 20004
Training Director (2004 – 2005)
Chief, Serious Felony Section (2002 – 2004)
Supervising Attorney, Trial Division (2001 – 2002)
Staff Attorney, Trial Division (1997 – 2001)

2005 – 2008

Bredhoff & Kaiser, P.L.L.C.
805 15th Street, Northwest, Suite 1000
Washington, DC 20005
Of Counsel

2010 – present

Superior Court of the District of Columbia
500 Indiana Avenue, Northwest
Chambers 1610
Washington, DC 20001
Associate Judge
Deputy Presiding Judge, Civil Division (2021 – present)

2004 – 2010, 2014 – present

Georgetown University Law Center
600 New Jersey Avenue, Northwest
Washington, DC 20001
Adjunct Professor of Law (2004 – 2008, 2014 – present)
Visiting Associate Professor of Law (2008 – 2010)

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have never served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

I first began practicing law in 1995 as an E. Barrett Prettyman Fellow in the Georgetown University Law Center's Criminal Justice Clinic. In that two-year fellowship, I represented indigent defendants charged with misdemeanor and low-level felony cases in the Superior Court of the District of Columbia, and supervised third-year law students who were serving as student counsel in misdemeanor cases.

In 1997, I joined the Public Defender Service (PDS) for the District of Columbia as a Staff Attorney in the Trial Division. I spent eight years at PDS representing indigent defendants charged with crimes in the Superior Court of the District of Columbia. I began by representing defendants charged with lower-level offenses, and by 2000 was being assigned homicide, conspiracy, and other serious felonies. During my tenure at PDS, I represented hundreds of clients; I served as lead counsel in approximately 30 to 35 jury trials and 10 to 15 non-jury trials. I was promoted to Supervising Attorney in 2001, then to Chief of the PDS Serious Felony Section in 2002 and to Training Director in 2004.

I joined the law firm of Bredhoff & Kaiser PLLC as Of Counsel in 2005. In private practice, I focused on complex civil litigation, representing parties in ERISA, RICO, labor law, employment, and other matters. I also conducted internal investigations on behalf of employers, litigated cases before various administrative agencies, and represented individuals in criminal and employment matters.

I returned to the Georgetown University Law Center in 2008 as a Visiting Associate Professor of Law, teaching full-time in the Criminal Justice Clinic. In this position, I taught a year-long clinical course for third-year law students, and closely supervised students who were serving as student counsel in misdemeanor cases and the Prettyman Fellows working with them. During this period, I also served as lead counsel on a number of serious felony and post-conviction cases.

I became an Associate Judge of the Superior Court of the District of Columbia in 2010. Since taking the bench, I have served in the Civil Division, the Domestic Violence Unit, and the Felony Branch of the Criminal Division. I have been the Deputy Presiding Judge in the Civil Division since 2021.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

In my work as a Prettyman Fellow, as an attorney with the Public Defender Service, and as a clinical professor at the Georgetown University Law Center, all of my clients were indigent defendants charged with criminal offenses in the Superior Court of the District of Columbia.

In the years I worked at Bredhoff & Kaiser, my typical clients were individuals, pension funds, labor unions, and other entities involved in civil litigation of various types in federal or state courts. I also conducted internal investigations on behalf of unions, law firms, and non-profit entities, and represented individuals in criminal investigations and cases.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

As an attorney, well over 95 percent of my practice was devoted to litigation. Although I conducted some internal investigation or advisory work for clients, the bulk of my legal work was as a litigator in criminal and civil cases.

As a Prettyman Fellow and as an attorney with the Public Defender Service for the District of Columbia, I appeared in court three to four days per week. While at Bredhoff & Kaiser, I appeared in court or before administrative agencies approximately 10 to 20 times per year. As a clinical professor at the Georgetown University Law Center, I appeared in court, on average, two to three times per week.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 15%
- 2. state courts of record: 80%
- 3. other courts: 0%
- 4. administrative agencies: 5%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 20%
- 2. criminal proceedings: 80%

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I would estimate that I tried approximately 50 cases to verdict over the course of

my career, and litigated dispositive pretrial motions in approximately ten others. I was lead or sole counsel in virtually all of these trials; I served as junior co-counsel in three of these trials, and as associate counsel in three to five civil cases. In addition, I served in approximately 25 additional trials as counsel of record while acting as supervisory counsel, i.e., as counsel of record in which the cases were tried by law students or Prettyman Fellows under my close supervision.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 75% |
| 2. non-jury: | 25% |

e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *United States v. Benn*, Case No. F-13098-92 (D.C. Super. Ct.) (Judge Geoffrey Alprin, presiding)

I served as lead counsel for Mr. Benn, an indigent defendant, in this first-degree murder while armed case beginning in 2002, after his initial convictions were overturned on appeal. *See Benn v. United States*, 801 A.2d 132 (2002) (“*Benn I*”). In the second trial in April 2003, the government presented the testimony of five witnesses who did not previously know Mr. Benn, but who all identified him as one of the people who had taken the decedent into their custody shortly before his murder; the court denied my motion to permit the testimony of an eyewitness identification expert. The jury in the second trial acquitted Mr. Benn of murder, but convicted him of armed kidnapping and related offenses. The District of Columbia Court of Appeals remanded the case, reversing the trial court’s exclusion of eyewitness identification testimony and creating a new standard

for the admissibility of such experts. *See Benn v. United States*, 978 A.2d 1257 (D.C. 2009) (“*Benn II*”). Following the remand, Mr. Benn pled guilty to a lesser charge and was released on a time-served sentence.

Co-counsel:

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Opposing counsel:

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milehimodern (formerly at the Office of the United States Attorney for the District of Columbia)
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(720) 940-0046

2. *United States v. McNeil*, Case No. F-7223-02 (D.C. Super. Ct.) (Judge Russell F. Canan, presiding)

I was appointed as lead counsel for Ms. McNeil, an indigent defendant who was charged with first-degree murder while armed for the killing of her 18-month-old daughter. Ms. McNeil’s defense rested on a claim of insanity, while the government contended that Ms. McNeil’s actions were driven by PCP intoxication. The case required intensive focus on forensic psychiatry, pharmacology and toxicology, and implicated a seldom-used doctrine known as “settled insanity” that defines the legal boundary between intoxication and insanity. After a month-long trial in March to April 2004, Ms. McNeil was convicted of first-degree felony murder as well as all but two of the other counts against her, and was sentenced to 33 years in prison. Three years later, her convictions were reversed by the District of Columbia Court of Appeals based on an objection I had made to the government’s use of Ms. McNeil’s post-arrest silence to rebut her claim of insanity. *See McNeil v. United States*, 933 A.2d 354 (D.C. 2007). Ms. McNeil subsequently pled guilty pursuant to an agreement under which she received a sentence of 15 years.

Co-counsel:

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Opposing counsel:

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The Honorable Kimberley Knowles
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Attorney for the District of Columbia)
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3. *Fields v. Lyon Workspace Products et al.*, Case No. 1:07-cv-6894 (N.D. Ill.) (Judge Joan Lefkow, presiding)

I served as principal counsel for a class of retirees who had spent their working lives at Lyon Workspace Products' locker manufacturing factory in Montgomery, Illinois. In 2007, Lyon unilaterally changed the manner by which it calculated the monthly health insurance premiums for its retirees, resulting in a dramatic increase in premiums that forced all of the retirees to drop out of the health plan. The class action filed in December 2007 charged that Lyon had violated the obligations created by collective bargaining agreements and the health insurance plan documents, and sought remedies under the Employee Retirement Income Security Act and the Labor Management Relations Act. In September 2008, the parties agreed to a settlement that essentially provided all of the retirees with the monetary value of the health insurance plan of which they had been deprived by Lyon's actions.

Co-counsel:

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Opposing counsel:

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(219) 242-8666

4. *United States v. Robinson*, Case No. F-4436-01 (D.C. Super. Ct.) (Judge Frederick H. Weisberg, presiding)

I served as lead counsel for Mr. Robinson, an indigent teenager charged as an adult with assault with intent to commit murder and related offenses, and who stood trial in January 2002. During jury selection, I objected to the prosecutor's use of peremptory strikes to remove every female African-American juror from the panel, arguing that they constituted discrimination on the basis of race and gender in violation of *Batson v. Kentucky* and *J.E.B. v. Alabama*; the trial judge ruled that no prima facie showing of discrimination had been made. Mr. Robinson was convicted by the jury, but the District of Columbia Court of Appeals reversed his convictions, finding that purposeful exclusion of prospective jurors because they are black and female constitutes unconstitutional discrimination on account of both race and gender. *See Robinson v. United States*, 878 A.2d 1273 (D.C. 2005). The Court of Appeals' ruling constituted the first precedent in this jurisdiction finding that black females (or any other combined race/gender group) were a "suspect category" in the context of equal protection challenges to peremptory strikes.

Co-counsel:

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Opposing counsel:

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(202) 514-2000

5. *Bevona v. Service Employees International Union et al.*, Docket No. 05-Civ.-1157 (S.D.N.Y.) (Judge Denise Cote, presiding)

I was a member of a team of attorneys defending an international union and one of its local affiliates against a lawsuit filed in 2005 by Mr. Bevona, the deposed former president of the local. Just prior to leaving office, Mr. Bevona had awarded himself millions of dollars in severance payments, pension benefits, and reimbursements. When the international union and the new leadership of the local union refused to release the funds demanded by Mr. Bevona, he filed a multi-million dollar lawsuit against them,

putting the members' dues and the credibility of the organizations at risk. Facts uncovered during the investigation of the case and in discovery undermined the plaintiff's claims such that the defendants prevailed on summary judgment on all claims in 2006.

Co-counsel for Defendants:

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Opposing counsel:

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6. *United States v. McMillian*, Criminal No. F-5324-00 (D.C. Super. Ct.) (Judges Shellie Bowers and Rafael Diaz, presiding)

I served as lead counsel for Mr. McMillian, an indigent teenager who was charged in August 2000 with first-degree murder while armed and related offenses. The defendant made admissions during a statement videotaped by police, but, after a complicated suppression hearing that spanned from November 2002 to April 2003, the court suppressed the statement on Fourth Amendment grounds. Following a three-week trial in September to October 2005, the jury acquitted Mr. McMillian of first-degree murder

while armed and possession of a firearm during a crime of violence, but convicted him of carrying a pistol without a license and related misdemeanors.

Co-counsel:

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Opposing counsel:

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7. *United States v. McMillian*, Criminal No. F-4447-02 (D.C. Super. Ct.) (Judges Rhonda Reid-Winston and Michael Rankin, presiding)

I was also appointed as lead counsel for Mr. McMillian in this second case, in which he was charged in July 2002 for a double homicide and related offenses that had allegedly occurred prior to his arrest in 2000. During the same videotaped interrogation involved in Mr. McMillian's other case, Mr. McMillian made admissions related to this case. After a week-long evidentiary hearing in February 2005, the court denied the defense request to apply the suppression ruling in the earlier case pursuant to principles of collateral estoppel, but again suppressed those statements on Fourth Amendment grounds. The government filed an interlocutory appeal, and the District of Columbia Court of Appeals reversed the order suppressing the statement. *See United States v. McMillian*, 898 A.2d 922 (D.C. 2007). The trial of the case took approximately three weeks in April to May 2009, and resulted in a mistrial after the jury divided 11-1 in favor of acquittal. Mr. McMillian subsequently pled guilty pursuant to an agreement under which he was sentenced to a total term of incarceration of ten years.

Co-counsel:

Hannah McElhinny

Public Defender Service for the District of Columbia
633 Indiana Avenue, Northwest
Washington, DC 20004
(202) 824-2393

Counsel to Co-Defendant Roach:

Lauckland Nicholas
Solo Practitioner
7826 Eastern Avenue, Northwest, Suite 410
Washington, DC 20012
(202) 898-1550

Opposing counsel:

Roger Kemp
Office of the United States Attorney for the District of Columbia
601 D Street, Northwest
Washington, DC 20530
(703) 371-5218

Lynn Mattucci
(formerly at the Office of the United States Attorney for the District of Columbia; current
business contact information unavailable)

8. *Riggs et al. v. Dayco Products, LLC, et al.*, Civil Case No. 1:05-cv-91 (W.D.N.C.)
(Judge Lacy H. Thornburg, presiding)

From 2006 to 2007, I was part of a team of lawyers that represented a class of retirees from a parts manufacturing plant in Waynesville, North Carolina. The class brought suit for breach of a collective bargaining agreement and breach of fiduciary duty after the successor company increased the health insurance premiums for retirees with family coverage to an amount greater than the pensions received by most of the retirees. After the judge denied the defendants' motion for summary judgment and granted our motion in limine to preclude relitigation of an issue of contractual interpretation on which the class had prevailed in previous litigation, we negotiated a favorable settlement of the lawsuit.

Co-counsel:

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Opposing counsel:

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9. *United States v. Hamilton*, 2001-FEL-4428 (D.C. Super. Ct.) Judge Judith E. Retchin, presiding)

In 2001, I was appointed as sole counsel for Mr. Hamilton, an indigent defendant charged with first degree murder while armed for the killing of his half-brother. The evidence against Mr. Hamilton was overwhelming and included a videotaped confession and physical evidence. Intensive investigation of Mr. Hamilton's background and the circumstances surrounding the family relationships led to the discovery of substantial mitigating evidence. In light of the mitigation presented to the government and the court, Mr. Hamilton was permitted to plead guilty to manslaughter and was sentenced to eight years in prison.

Opposing counsel:

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10. *In re SEIU, SEIU Local 32 BJ, and USWA Local 74* (Arbitrator Robert Herzog, presiding)

I was part of a team of attorneys that represented the Service Employees International Union (SEIU) and SEIU Local 32 BJ against another local union in a multi-day arbitration hearing. Our case centered on our clients' contention that the president of the other local union had made material misrepresentations to SEIU in order to negotiate a disaffiliation agreement, leading to a situation in which the pension fund created for the benefit of certain workers was still controlled by a local union leader not accountable to those workers. After four days of testimony and extensive post-hearing briefing, the arbitrator ordered the other local union to turn control of the pension fund over to SEIU and SEIU Local 32 BJ, or risk rescission of the disaffiliation agreement.

Co-counsel:

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Opposing counsel:

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18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

While at Bredhoff & Kaiser, a portion of my practice was devoted to conducting internal investigations and representing individuals in grand jury or other proceedings. For example, I conducted internal investigations on behalf of employers relating to claims of discrimination, harassment, and embezzlement. I also represented trial and grand jury witnesses in a variety of federal and state criminal investigations.

While at the Public Defender Service, I served on the District of Columbia Advisory Commission on Sentencing in 2003 to 2004 as it created and promulgated the Superior Court's first Voluntary Sentencing Guidelines.

I have not performed any lobbying activities.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

Since 2014, I have co-taught Constitutional Law in the Georgetown University Law Center International Studies LL.M. program every year except 2020. Representative syllabus supplied.

Since 2017, I have taught Torts in the Georgetown University Law Center International Studies LL.M. program. Representative syllabus supplied.

From 2008 to 2010, I taught full-time as a Visiting Associate Professor of Law at the Georgetown University Law Center. I co-taught the Criminal Justice Clinic, a year-long 13-credit course that combined classwork focused on trial advocacy, criminal law and procedure, evidence, and legal ethics with closely-supervised student representation of indigent defendants in misdemeanor cases. I also taught as a Visiting Associate Professor of Law in the Criminal Justice Clinic during the 2003 to 2004 academic year, while I was working at the Public Defender Service for the District of Columbia. Syllabi supplied.

From 2004 to 2008, I taught as an Adjunct Professor at the Georgetown University Law Center. I co-taught Criminal Trial Litigation, a trial practice class for LL.M. candidates in the E. Barrett Prettyman Fellowship Program. No syllabus was used.

In most years since 2006, I have also served on the faculty of the Harvard Law School Trial Advocacy Workshop, teaching trial advocacy skills for one week. Representative syllabus supplied.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

If possible, I hope to continue teaching during my service on the court.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

I do not anticipate that any family members or other persons, parties, categories of litigation or financial arrangements would be likely to create potential conflicts of interest. Should such potential conflicts of interest arise, I will disclose the potential conflict to the parties in the matter before me and seek their input, and refer to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, as well as other applicable canons, rules, and statutes.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If faced with a potential conflict of interest, I would advise the parties in the matter before me of the potential conflict and seek their input, and refer to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, as well as any other applicable canons, rules, and statutes.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

I devoted most of my career as a lawyer to representing indigent defendants in criminal cases. From 1997 to 2005, I worked as a trial attorney at the Public Defender Service for the District of Columbia; from 2008 to 2010, I served as a clinical law professor in the Georgetown University Law Center Criminal Justice Clinic, supervising students representing indigent defendants in criminal cases. In those positions, I represented hundreds of low-income men and women in the District of Columbia courts. During my years in private practice (2005 – 2008), I volunteered well over 200 hours per year on cases brought by the Mid-Atlantic Innocence Project and as a member of the Board of Directors of the Washington Council of Lawyers, a voluntary bar association promoting pro bono and public interest law.

Throughout my career, I have also engaged in extracurricular training work aimed at improving the effectiveness of counsel who represent low-income litigants. While I was a lawyer, I served as the Training Director of the Public Defender Service and on the faculty of training programs sponsored by the Southern Public Defender Training Center

(2008 – 2010), Equal Justice Works (2008), the National Legal Aid and Defender Association (2005), the Georgia Public Defender Standards Council (2005), the Washington Council of Lawyers (2005 – 2009), and the AFL-CIO Lawyers Coordinating Committee (2007 – 2009). Since becoming a judge in 2010, I have continued to volunteer my time as a trainer and guest lecturer on trial practice issues at programs sponsored by various law schools, bar organizations, and legal services providers.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On December 15, 2021, I submitted a Judicial Candidate Questionnaire to Representative Eleanor Holmes Norton’s District of Columbia Law Enforcement Nominating Commission. I met with the Commission on January 13, 2022. On June 3, 2022, I interviewed with attorneys from the White House Counsel’s Office. Since June 3, 2022, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On July 29, 2022, the President announced his intent to nominate me.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.